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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,997	11/05/2003	Klaus-Helmut Muller	Bayer 10.019.2 REI	9703
27384	7590 05/23/2005		EXAMINER	
NORRIS, M	ICLAUGHLIN & MA	MORRIS, PATRICIA L		
18TH FLOOI			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			1625	
			DATE MAILED: 05/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinous of time may be available under the previous of 3 °CFR 1.136(a). In no event, however, may a reply be timely filled If the pariod for reply specified above is less than thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, a reply within the statutory minimum of thinty (30) days, and a reply the statutory provided within the statutory minimum of thinty (30) days, and a reply the statutory provided within the statutory minimum of thinty (30) days, and a reply that of the score manufaction. Any reply received by the Office lister than thints months after the mailing date of this communication, even if timely filled, may reduce any reply received by the Cffice lister than thints months after the mailing date of this communication, even if timely filled, may reduce any reply received by the communication. The Responsive to communication(s) filled on		Application No.	Applicant(s)				
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status						
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4) Claim(s) 1-6 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
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Application/Control Number: 10/603,997

Art Unit: 1625

DETAILED ACTION

Reissue Applications

Claims 1-6 are under consideration in this application.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The Certificate of Correction changes have not been incorporated into the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants recite the variables Q and Q^1 in the claims. Yet the variables Q and Q^1 do not appear in the structures of formula (I) and R^3 .

Note United Carbon Co. V. Binney Smith Co., 55 USPQ 381, Supreme Court of the United States (1942), "an invention must be capable of accurate definition, and it must be accurately defined to be patentable", above at page 386.

One must clearly know what is being claimed.

The C.C.P.A. in 1978 held "that invention is the subject matter defined by the claims submitted by the applicant. We have consistently held that no applicant should have limitations

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of the specification read into a claim where no express statement of the limitation is included in the claim": In re Priest, 199 USPQ 11, at 15.

Information Disclosure Statement

Applicants have not supplied a PTO-1449 listing all the references cited in the patent.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Morris whose telephone number is (571) 272-0688. The examiner can normally be reached on Mondays through Fridays.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia J. Morris Primary Examiner Art Unit 1625 Page 4

plm May 19, 2005